

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff*, §  
§  
v. § CASE NO. 7:19-CV-405  
§  
12.559 ACRES OF LAND, MORE OR §  
LESS, SITUATE IN HIDALGO §  
COUNTY, STATE OF TEXAS; AND §  
GERARDO MARTINEZ, ET AL., §  
§  
*Defendants*. §

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**UNITED STATES OF AMERICA'S STATUS REPORT**

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In response to the District Court Order dated January 10, 2020<sup>1</sup>, the United States of America hereby informs the Court as follows:

1. In its Notice of Settlement<sup>2</sup>, the United States apprised the Court that the tenant, Marvin Fuller, agreed to execute a disclaimer upon his return to South Texas after Christmas.
2. Shortly after Christmas, Mr. Fuller contacted undersigned counsel to discuss how far the taking would extend into the croplands.
3. On January 27, 2020, the U.S. Army Corps of Engineers (hereinafter “USACE”) staked the property so that Mr. Fuller could observe the extent of the taking into the croplands.
4. Shortly thereafter, Mr. Fuller requested the specific acreage of the taking that extended into the croplands so that he could negotiate a modification of his lease with Gerardo Martinez.

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<sup>1</sup> Dkt. No. 13.

<sup>2</sup> Dkt. No. 12.

5. On February 7, 2020, the USACE determined that the measurement from the toe of the levee to the southern edge of the taking is 3.722 acres or 4,139 square feet.
6. On the same day, undersigned counsel notified Defendants of the aforementioned measurements so that they could begin working on a modification of their lease.
7. Mr. Fuller has agreed to sign a disclaimer upon the execution of the lease modification.
8. Counsel for the United States and Gerardo Martinez are concurrently working on finalizing the “Joint Motion for Order Establishing Just Compensation, Granting Possession, and Distributing Funds on Deposit in the Registry of the Court for Tract RGV-WSL-8002.”
9. Upon Mr. Fuller’s dismissal from the case, the parties will proceed to finalize the Joint Motion which will distribute the agreed upon amount of just compensation, grant possession of Tract RGV-WSL-8002 to the United States and close the case on the Court’s docket.
10. The United States requests 30 days in order to allow the parties an opportunity to finalize the lease modification and Joint Motion.

Respectfully submitted,

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Southern District of Texas

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**CERTIFICATE OF SERVICE**

I, N. Joseph Unruh, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on this 11th day of February, 2020, a copy of the foregoing was served on the following parties in accordance with the Federal Rules of Civil Procedure.

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Mr. Marvin Fuller

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By: *s/ N. Joseph Unruh*  
**N. JOSEPH UNRUH**  
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